

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Joel S. Greenberger *et al.*

Title: PROTECTION FROM IONIZING  
IRRADIATION OR  
CHEMOTHERAPEUTIC DRUG  
DAMAGE IN VIVO GENE  
THERAPY

Appl. No.: 08/907,041

Filing Date: 08/06/1997

Examiner: S. Chen

Art Unit: 1633

**DECLARATION UNDER 37 C.F.R. §1.131**

Commissioner for Patents  
Washington, D.C. 20231

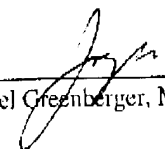
Sir:

I, Joel Greenberger,, being duly warned, hereby declare and say that:

1. I am the inventor of the invention disclosed in the above-identified application.
2. Prior to April 1993, I had in my possession a MnSOD plasmid. Attached are redacted pages from my laboratory notebook, that describe the construction of the plasmid. These pages all were dated prior to April 1993.
3. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

Date

2/4/3

  
Joel Greenberger, M.D.